

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the reasons that follow.

In the January 26, 2007 Office Action, the Examiner rejected claims 39, 43, 49 and 51 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,725,044 (Verma et al.). Claims 1, 8 and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over PCT Publication WO 00/67514 (Honkala) in view of Verma et al.. Claims 25 and 32 were rejected based upon PCT Publication WO 96/25015 (Hjern) in view of Verma et al. Lastly, claim 50 was rejected based upon Verma et al. in view of U.S. Patent No. 6,473,415 (Chiou).

In making the above rejections, the Examiner has relied upon the position that, in his view, Verma et al. discloses a mobile node-initiated handover and the detection, by the mobile node, of information about regions of an area of a first technology network. Notwithstanding this assertion, Applicant respectfully traverses these rejections for the following reasons.

With regard to claims 1, 8, 15, 25, 32, 39 and 43, the Examiner has taken the position that Verma et al. discloses a mobile node initiated handover and detecting information about regions of an area of the first technology network by the mobile node.

Verma et al. relates to a method for effecting a seamless handoff of a mobile terminal user in a communications network from a first radio access mechanism to a second radio access mechanism. According to Verma et al., the first radio access mechanism may comprise, for example, a radio network controller for controlling an associated radio access node (*e.g.*, a “cell”) in a wireless telephony network, while the second access mechanism may comprise an interworking element that functions as a logical radio network controller for controlling a radio access point in a wireless LAN. Upon receipt of a request made by the mobile terminal user to receive service from the second radio access mechanism a command is triggered in the communications network to relocate (handoff) the mobile terminal, *i.e.*, to redirect the data path away from the first radio access mechanism and through the second radio access mechanism. Responsive to the command, the second radio access mechanism is

assigned to provide service to the mobile terminal user so that the user can commence a communications session and thereby exchange data packets with the network via the second radio access mechanism. Upon the assignment of the second radio access mechanism to the mobile terminal user, the first radio access mechanism is released so that the mobile terminal user no longer receives service therefrom.

According to Verma et al., the user of a mobile terminal decides to initiate a handover procedure between the wireless telephony network and the wireless LAN. However, Verma et al. does not disclose that the mobile node automatically (*i.e.* without any user interaction) decides on a handover procedure based on region information which are detected automatically (*i.e.* without any user interaction) by the mobile node. Instead, Verma et al. is simply silent as to how this decision is made. In fact, the decision of whether to initiate a handover can be made in response to several items. For example, it is possible that the user takes into account information about regions of an area of the wireless LAN and bases a decision on this information. Alternatively, it is possible for the decision to be based on other criteria. However, this issue is simply not discussed in Verma et al..

In contrast to the above, independent claims 1, 8, 15, 25, 32, 39 and 43 all require that the mobile node itself decide to initiate a handover procedure between technology networks. In other words, these claims require that the decision to initiate the procedure constitute an automatic process, and Verma et al. simply does not teach such an automatic process. Because this feature is not present in Verma et al., the Examiner's rejection of claims 39 and 43 under 35 U.S.C. §102(e) is improper. Furthermore, and with regard to claims 1, 8, 15, 25 and 32, the Examiner's reliance upon Verma et al. for the mobile node performing the "detecting" and "deciding" processes is inappropriate for at least the same reasons, and the Examiner has already admitted that the primary reference (Honkala) fails to teach this feature as well. Therefore, because none of the prior art references teach a system or method where it is the mobile node that decides to initiate a handover procedure. Applicant submits that these claims are also patentable over these references.

Lastly, with regard to the Examiner's rejections of claims 49 and 50, the Examiner has taken the position that Verma et al. teaches the setting and transmission of region

information. Applicant disagrees with this position. In fact, the only two locations relied upon by the Examiner, Figure 1 and Column 2, lines 10-20, contain no such teaching whatsoever. In the case of Figure 1, this figure, although depicting various structures which are used in the implementation of the system described in Verma et al. it does not describe or even hint at the *type* of information that is transmitted from a mobile node. In the case of column 2, lines 10-20, the entirety of this text is as follows:

Briefly, in accordance with present principles, a method is provided for effecting a seamless handoff of a mobile terminal user in a communications network from a first radio access mechanism to a second radio access mechanism. In a preferred embodiment, the first Radio access mechanism comprises a Radio Network Controller controlling an associated radio access node (e.g., a "cell") in a wireless telephony network, while the second access mechanism comprises an Interworking Element that functions as a logical Radio Network Controller for controlling a radio access point in a wireless LAN.

As can be clearly observed, not a single word of this text relates to the setting and transmittal of region information of the type described in claims 49 and 50, namely region information in the form of first technology network information. As these are the only sections that the Examiner relied upon in Verma et al. for the support of this feature, Applicant respectfully traverses these rejections since there is no such disclosure in the cited locations thereof.

For the above reasons, Applicant submits that each of the currently pending claims are allowable over the cited prior art.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a

check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Respectfully submitted,

Date: April 26, 2007
FOLEY & LARDNER LLP
Customer Number: 30542
Telephone: (858) 847-6735
Facsimile: (858) 792-6773

By /G. Peter Albert Jr./
G. Peter Albert Jr.
Attorney for Applicant
Registration No. 37,268